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JUNE 24, 2018

A Preliminary
Review
is Granted
SO ORDERED
by [Signature]
USDS
6-25-18

Re: Jean Louis, et al., v. City of NY, et al., No. 16 Civ. 5275 (PKC) (SDNY).

Dear Judge Castel:

MEMO ENDORSED

I represent the nineteen Plaintiffs in the above-captioned Section 1983 case with corresponding Section 1988 claims, along with co-counsel Ilissa Brownstein and Drei Munar. Plaintiffs' claims have resolved with FRCP 68 judgments, and the Parties are presently working on completing settlement papers relating to reasonable fees, expenses and costs. Docket Nos. 61-79.

I write to respectfully make the Parties' joint motion for enlargement of time to file settlement paperwork relating to reasonable fees, expenses and costs (or, in the alternative, for Plaintiffs to file their motion for reasonable fees, expenses and costs). The present deadline for the Parties to file is June 25, 2018. The Parties ask that the Court enlarge the deadline through and including July 27, 2018.¹

Below I summarize Plaintiffs' Counsel's efforts to finalize settlement paperwork on reasonable fees, expenses and costs without requiring Court intervention. To begin, since the Parties reached settlement in principle, Plaintiffs' Counsel has coordinated individually with each of the nineteen Plaintiffs, many of whom reside in various corners of New York State, to have them execute relevant papers. Plaintiffs submit that these efforts, detailed supra, taken together with the geographical and logistical challenges herein described, support cause for the requested extension. See Tancredi v. Metropolitan Life Ins. Co., 378 F.3d 220, 227 (2d Cir. 2004) (noting that a trial court has discretion to extend the time period for fees motions, and that the inquiry is "at bottom an equitable one, taking account of all relevant circumstances . . .").²

The underlying claims arose from a May 2015 incident in a Rikers Island housing unit where the nineteen Plaintiffs were housed together. In this action, among other things, the nineteen Plaintiffs alleged that Defendants used excessive force upon them in that May 2015 incident. Since the incident, the nineteen Plaintiffs' lives have taken them in nineteen different directions, and they now reside in all parts of New York State (some of them remain in custody, in various NYS DOCCS facilities across the state, and some have been released and live in the Greater New York City region).

¹ The Parties have moved for enlargement of time on this issue in the past. Although we ask for the filing deadline to be enlarged through and including July 27, 2018, we are now close enough to settlement finalization that on this occasion that we hope to be able to file even sooner.

² This letter motion presents a summary of the facts given its joint nature. If the Court would like more detail beyond what I provide in this joint motion, I respectfully ask for the opportunity to provide it, and I will do it promptly.

Since the Parties reached settlement in principle of reasonable fees, expenses and costs, Plaintiffs' Counsel has been in contact with every single one of the nineteen Plaintiffs regarding their individual execution in front of a notary of settlement documents. These communications have been in person, by telephone, by U.S. mail correspondence and, at times, a combination of these.

At this writing, we have successfully obtained the executed papers from the vast majority of the nineteen individual Plaintiffs and are close to collecting the remainder to finalize the settlement. For the remaining Plaintiffs, our efforts to obtain their executed papers have encountered delay as a result of obstacles including misdirected mail to or from a Plaintiff caused by DOCCS transfer of an individual's housing assignment, general postal error or a Plaintiff's unexpected unavailability at the moment of mail delivery due to law enforcement proceedings. Counsel have been in communication with these remaining Plaintiffs by telephone and mail again, and expect receipt of their paperwork shortly to finalize settlement of the costs, expenses and fees aspect of the litigation so that it can be closed in its entirety without Court intervention.

In light of the foregoing logistical and geographical issues complicating sooner finalization of all settlement documents, the Parties respectfully make this joint request for an enlargement of time through and including July 27, 2018, to file the settlement papers on the issue of reasonable fees, expenses and costs (which would resolve remaining disputes in their entirety, permitting closure of the case) or, in the alternative, for Plaintiffs' Counsel to file motion papers relating to the same.

Thank you in advance for your attention.

Sincerely,



Ryan Lozar